

MEMORANDUM

TO: County Judge/Executives; Mayors; County Attorneys; City Attorneys; School Superintendents; School Attorneys; Presidents of Universities; and University Counsel

FROM: Gregory Stumbo
Kentucky Attorney General

DATE: September 21, 2005

RE: Clarification of Duties Relating to Return of "Certificates of Receipt" and "Certificates of Distribution"

As a follow-up to my earlier communication with you regarding implementation of HB 77, it has come to my attention that there has been some confusion as to proper disposition of the attached "Certificate of Receipt of Written Documentation" and "Certificate of Distribution of Written Documentation." Please be advised that HB 77 requires you to discharge the following duties:

1. Distribute "Your Duty Under the Law" and "Managing Government Records" to each public official identified in my earlier memorandum by providing him or her with a hard copy of these documents or emailing him or her an electronic copy;
2. Obtain signed proof from each public official that he or she received the documents by providing him or her with a copy of the "Certificate of Receipt of Written Documentation;" asking him or her to complete the bottom portion of the "Certificate of Receipt" and return the receipt to you (or an employee designated to maintain the "Certificates of Receipt"); and maintain the "Certificate[s] of Receipt" on your agency's premises as a part of your agency's records. NOTE: DO NOT RETURN THE "CERTIFICATE OF RECEIPT OF WRITTEN DOCUMENTATION" TO THE OFFICE OF THE ATTORNEY GENERAL. These certificates constitute the "signatory proof" which your agency is required to maintain under the terms of HB 77.

3. Return the "Certificate of Distribution of Written Documentation" to the Office of the Attorney General after "Your Duty Under the Law" and "Managing Government Records" has been distributed to each public official identified in my earlier memorandum and you have completed the lower portion of the "Certificate of Distribution." NOTE: RETURN ONLY THE "CERTIFICATE OF DISTRIBUTION" TO THE OFFICE OF THE ATTORNEY GENERAL C/O:

JEAN ANN MYATT
OFFICE OF THE ATTORNEY GENERAL
700 CAPITAL AVENUE
FRANKFORT, KY 40601

RETAIN THE "CERTIFICATE[S] OF RECEIPT" ON YOUR AGENCY'S PREMISES AS YOUR AGENCY'S RECORDS.

I hope that these clarifications will eliminate any lingering confusion. I am returning the "Certificate of Receipt" which you mistakenly mailed to this office along with an unexecuted copy of the "Certificate of Receipt." Please complete the certificate following the directions set forth above, retain the completed "Certificate(s) of Receipt" at your agency. If you have not already done so, return the completed "Certificate of Distribution" to my office. We appreciate your cooperation.

Enclosures